

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/92848/W
Site Address:	Marsh Carpets, 82-84, Westbourne Road, Marsh, Huddersfield, HD1 4LF
Description:	Alterations to convert first floor to 2 dwellings; sub-division of one ground floor retail unit to two retail units (use class Ea); installation of new shop fronts to south and east elevations and construction of external staircase to northern elevation including associated works
Recommending Officer:	Emma Thompson

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 13th February 2026

Officer Report

Site Description

82-84 Marsh Carpets, Westbourne Road, Marsh

The application site relates part of a row of terraced properties that front Westbourne Road and Abb Street. The building is a large unit currently used for the sale of carpets. It is of stone construction with slate roof. Entrance to the premises is on the corner.

The site is within a commercial frontage to Westbourne Road forming part of prominent frontage within Marsh District Centre. The frontage to Abb Street is retail also but the neighbouring properties appear to be domestic dwellings. The site red line extends to the rear with access shown via Abb Street between number 19 and 7.

The application form states there are 2 existing parking spaces.

Description of Proposal

Alterations to convert first floor to 2 dwellings; sub-division of one ground floor retail unit to two retail units (use class Ea); installation of new shop fronts to south and east elevations and construction of external staircase to northern elevation including associated works.

The proposals include bin storage points with screening. Access is shown via Abb Street to the rear of the building. 2 parking spaces are shown.

History of negotiations/amendments received

Further information and clarification was sought with regards to access and parking to the rear and ownership.

Concerns were raised regarding the size of the rooms and outlook taking into account the Technical Space Standards. Further information and amendments were provided.

To ensure bin storage for the commercial and residential uses could be accommodated within the site revised plans were sought addressing concerns.

Consultation responses

KC Highways DM: No objections

KC Waste Management: No objections to amended details. Condition recommended.

KC Environmental Health: No objections

Relevant planning history

The planning history relates to the current use of the site / associated signage applications. As such this is considered to be of limited relevance to the consideration of this application and is afforded minimal weight as a consideration which is material to the determination of this case.

Representations

The application was publicised in accordance with the Council's Development Management Charter (as adopted at the time of publicity). The application has been publicised by neighbour notification letter, the date of expiry being 22nd November 2024.

One representation was received raising concern about the fact there are existing vacant premises in the locality and whether the proposed ground floor uses would contribute to the vitality of the local centre in terms of business type.

Whilst amended plans have been received, these have not substantially amended the scheme from that as initially publicised and further advertisement of amended plans received was not considered necessary in this case.

Policy & Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is partly within Marsh District Centre with the land to the rear unallocated on the Kirklees Local Plan Proposals Map.

The following policies are considered to be relevant in this case:

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 11** – Housing Mix and Affordable Housing
- **LP 13** – Town Centre Uses
- **LP 15** – Residential use in town centres
- **LP 21** – Highway Safety

- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Gov UK Biodiversity Net Gain Technical Guidance (2023).
- Kirklees Housebuilders Design Guide SPD (2021).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental issues
- 6) Representations
- 7) Conclusion

Principle of development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted.

The site is located partly within Marsh District Centre and part unallocated on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

New Dwellings

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.’
In this case, two additional units would make a small contribution to that supply.

Good design is a key aspect of sustainable development which contributes to creating better places. Therefore, a balance will be formed, within this assessment, against the benefits of two small dwelling units.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. The application introduces residential accommodation in the upper floors of the building making efficient use of the site. Any additional units would result in cramped development and as such 2 residential units is acceptable.

Town Centre Use

Policy LP15 provides guidance for the development of residential uses within defined town centres. It states that residential uses within the defined town centres will be supported subject to a number of factors, relevant to this application is sub paragraph c which states “*the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area*”. Paragraph 9.25 goes on to outline that ‘*the principle for the provision of residential accommodation in town centres is supported provided it does not lead to an adverse impact on the operation of the towns retail core or would reduce space for other main town centre uses if outside of the primary shopping area*’.

The existing retail use will be maintained at ground floor level and the subdivision of the larger retail space to two smaller units would offer more opportunity to retailers.

LP13 outlines that *“proposals that have a significant adverse impact on the vitality and viability of a centre, or compromise the role and function of a centre will not be supported.”* The active frontage would be maintained ensuring the vitality and viability of the district centre.

As such, the proposed development would not result in an adverse impact on the district centre and would contribute to housing opportunities in the area in accordance with Policies LP13, LP15 and LP7 of the Local Plan.

A condition ensuring the ground floor use remains that as set out in the submitted application is recommended.

Impact on Visual Amenity

The NPPF provides guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

The external works involve the installation of larger shop front style windows in place of more domestic proportioned openings at ground floor. The openings to Westbourne Road increase the number openings to provide improved light to the residential units. A small rooflight is installed to the Westbourne Road frontage, three to Abb Street and one to the rear.

The alterations will improve the retail presence in the centre and the upper floor works would not detract from the host building or street scene. The development would not cause any harm to the visual amenity of either the host property, the wider street scene or the historic character of the area, complying with Policy LP24 and LP35 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: ‘Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- For a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

The proposed dwelling units and new openings are considered an adequate distance from any nearby residential dwellings to prevent any harm to future occupants or the residential amenity of neighbouring occupants.

The subdivision of retail at ground floor will not result in any reduction in residential amenity when affording weight to the existing retail use.

Impact on future occupiers

The amenity of the future occupants is a consideration. Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”* The development introduces two residential units. Both units are located on the first floor with the second extending into the roof space.

Flat 1 is shown to occupy an area of about 90sqm. It offers accommodation over two floors and could be described as being ‘two storey’ for the purpose of space, however it remains a flat within a block and as such a reasonable and pragmatic assessment has been undertaken in respect of space and applying the recommended standards. A kitchen, living, dining on the first floor and bedroom plus study constructed into the roof space. The bedroom is of a size to provide adequate amenity for future occupants. The study room is large enough to provide bedroom space and would not appear cramped in the unit. Concerns regarding outlook have been addressed by the provision of a section through the unit. It is considered, on balance, that an acceptable living standard can be achieved.

Flat 2 is a smaller unit measuring 57sqm which is located fronting Westbourne Road. This unit has one large bedroom and a room labelled study room and therefore adequate size for a one bedroom 2 person unit. In planning terms, the study room is not classed as a bedroom as the 57sqm is short of the 61 sqm required. The bedroom exceeds the recommended size for a 2 person unit and natural light is provided to all areas. Whilst there is no private amenity space designated for the properties, the location is in reasonably proximity to local parks giving reasonable access to outdoor spaces.

The submitted application seeks a use falling within Class E(a) of the use classes order. The proposal is considered on this basis and it is considered that alternative Class E uses could give rise to other considerations in respect of noise / disturbance. Given the proposal is assessed on the basis of the scheme as submitted it is considered that any approval be subject to condition restricting it to a Class E(a) use only.

Taking the above into consideration the impact on residential amenity is considered acceptable on balance and it is considered that the proposed

development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 116 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The application site is an existing carpet store within a parade of shops, cafes and other retail premises located at the junction of A640 Westbourne Road and Abb Street in the centre of Marsh.

There is existing controlled parking within a layby to the Westbourne Road frontage of the site with parking restrictions 30 minutes no return for 60 minutes.

There is similar controlled parking within laybys on the opposite side of Westbourne Road together with a bus stop with no stopping except for local bus restrictions.

There are double yellow lines to both sides of the Add Street junction and Eldon Road junction opposite.

Two existing parking spaces and a bin store are shown to rear of the premises with access from Abb Street.

Given the sustainable location in the centre of Marsh, the existing waiting restriction and controlled parking Highways Development management have no objection in principle to these proposals.

Bin storage & collection

This response is provided by the Waste Collection Authority (WCA) and outlines operational requirements for waste storage and collection. These comments aim to support compliance with Kirklees Local Plan policies LP24 (d.vi), LP43, and the Highway Design Guide SPD. The aim is to achieve a safe and efficient waste collection service.

Section 45(1)(a) of the Environmental Protection Act 1990 places a duty on the Waste Collection Authority (WCA) to arrange for the collection of household waste within its area.

Regardless of whether a private contractor is engaged, the WCA must ensure that there is adequate on-site waste storage capacity, suitable access for collection vehicles, and that, should the responsibility for collection revert to the WCA in the future, the process can be carried out efficiently.

The Council takes the issue of bin blight seriously and encourages developers to ensure that the street scene for new developments is not spoilt by the poor design for refuse storage and collection.

In order to address concerns regarding acceptable bin storage and presentation, the applicant has submitted a revised drawing, "Site and Location Plan, Dwg No. UD-556".

Matters regarding the location and protection of commercial bin storage has been addressed, however the domestic waste proposals remain unresolved. As such a condition is required for the submission of further details, including bin presentation and collection points to satisfy household waste storage requirements. This condition is prior to the occupation of the residential units to ensure adequate provision.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity.

The site is considered to have low potential for ecological or protected species given the current use of the premises and location. In terms of BNG the application states de minimis exemption applies to which officers agree. The works are primarily internal and to the fabric of the existing building and as such it would be disproportionate to request any ecological enhancement in this case.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. Due to the nature of the scheme, this being a proposal providing subdivision of the retail unit and provision of residential accommodation it is considered there is limited opportunity to mitigate climate change and any feasible requirements would be disproportionate the development proposed.

In England, Electric Vehicle Charge Points (EVCPs) are required for almost all new, self-contained residential dwellings that have associated parking, as of June 15, 2022. These regulations are part of Part S of the Building Regulations 2010 (as amended) designed to ensure that new infrastructure supports the shift to electric vehicles. It is considered that this is an adequate measure to address matters regarding climate change.

Representations:

One representation was received as a result of site publicity. The application is considered on its merits as submitted. The subdivision is likely to result in more opportunity for occupation of the unit which, at present, is one large unit. The type of retail which utilises the ground floor as a result of the proposal is not able to be specified or controlled as part of any planning permission.

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Grant Conditional Full Permission Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP51, LP52, LP53 of the Kirklees Local Plan, policies 1, 3, 10, 12 and Chapter 2, 5, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Before construction work commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a) an assessment of all noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of

the nearest noise sensitive premises

c) a written scheme of how the occupants of the above-mentioned noise sensitive

premises will be protected from noise from the proposed development including

details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB DnTw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. The ground floor use hereby permitted shall not be open to customers outside the hours of:

- 0800hrs to 1800hrs Monday to Saturday and
- 1000hrs to 1600hrs Sunday and Bank Holidays

and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing

(i) the location, design and materials of all bin storage areas/enclosures and recycling storage areas for the residential and commercial aspects of the scheme and

(ii) bin presentations points for collection of wastes has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be brought into use until the works required have been completed/provided, which shall thereafter be retained.

Reason: To ensure adequate waste storage facilities are provided in the interests of visual and residential amenity and highway safety to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and policies contained within chapters 12 and 15 of the National Planning Policy Framework.

7. The dwelling units hereby approved shall not be occupied until parking spaces 1 and 2 indicated on submitted plan titled 'Site and Location Plan' reference UD-556 have been provided. These shall be used solely as private parking areas in association with the residential development hereby approved. The dwelling units hereby approved shall not be occupied until the spaces are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and policies within Chapters 9 and 12 of National Planning Policy Framework.

8. The use of the ground floor units hereby approved shall be for a use falling within Class E(a) of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: for the avoidance of doubt as to what is being approved, to protect the vitality of existing centres and to protect the residential amenity of

neighbouring occupiers to accord with policies LP13, LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the NPPF.

NOTE:

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE:

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

NOTE:

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site plan & location	UD-556		21 st November 2025
Existing elevations	UD-556		7 th October 2025
Existing floor plans	UD-556		7 th October 2025
Proposed level 2 floor plan	UD-556		23 rd July 2025
Proposed level 0 and 1	UD-556		21 st November 2025
Proposed elevations	UD-556		21 st November 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development

Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The agent provided revised details regarding waste collection and storage as well as addressing concerns regarding the space within residential units.